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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,643	11/07/2001	Francois Balay	Balay 1-20-3-1-1	9841
46900	7590	10/17/2005	EXAMINER	
MENDELSON & ASSOCIATES, P.C. 1500 JOHN F. KENNEDY BLVD., SUITE 405 PHILADELPHIA, PA 19102			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,643

Applicant(s)

BALAY ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 6-7, 9-11, 15-20, 23-24, 26-28 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skirmont (US 2002/0136208) in view of Partridge (US 6,160,819).

1. Regarding claims 1-2, 11, 15, 18-19, 28 and 32, Skirmont discloses a transceiver (fig. 5) coupled to at least two single channel links (fig. 5, items 35-41; fig. 4, items 35-41) of a high bandwidth link (fig. 5, OC-192c). The transceiver comprises at least two registers (fig. 6, Sync FIFO) each associated with a single channel link and receiving a portion of user data provided to the transmitter from a module (fig. 5, linecard), and a framer (fig. 6, item 47) providing user data as packets to the registers. Each register provides a packet to a single channel link (fig. 8).
2. However, Skirmont does not disclose a framer for providing a packet having a delineator or forming a packet and extracting user data. Partridge discloses a framer for inserting a

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delineator in a packet (fig. 3; fig. 4, steps 403 and 408; col. 8, lines 1-3) and for forming a packet and extracting user data (fig. 6, steps 606 and 608). The delineator is inter-packet fill (note: the end of packet is determined) and the delineator is removed (fig. 6, step 607). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to delineate packets and for a packet by extracting user data in the invention of Skirmont in order to be aware of a packet boundary (Partridge, col. 8, lines 3-5) and to combine data for transmission on a higher speed link (Partridge, col. 5, line 60 through col. 6, line 2), respectively.

3. Regarding claims 3, 6, 9, 16, 20, 23, 26 and 33, in Skirmont the link is a SONET serial link (fig. 5, link between items 49 and 47; para. 10).

4. Regarding claims 7 and 24, in Skirmont the channel links are parallel (figs 3-6 and 8).

5. Regarding claims 10, 17, 27 and 34, in Skirmont the transceiver is embodied in an IC (para. 27; para. 29, lines 5-6).

Claims 4-5, 13-14, 21-22 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skirmont in view of Partridge as applied to claim 3, 11, 20 or 28 above, and further in view of Walker et al. (US 2004/0228364).

6. Regarding claims 4-5 and 21-22, Skirmont discloses an Ethernet link (para 6, last three lines). However, Skirmont does not disclose 8B/10B coding. Walker discloses 8B/10B coding (fig. 1) that includes scrambling (note: DC balance). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have 8B/10B coding for Ethernet in the invention of Skirmont in view of Partridge in order to use a widely available and common coding protocol (Walker, para. 3, lines 5-13).

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7. Regarding claims 13-14 and 30-31, Skirmont in view of Partridge does not disclose CRC information. Walker discloses CRC information (para. 39). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to include CRC information in the invention of Skirmont in view of Partridge in order to reduce transmission errors in a received packet.

Claims 8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skirmont in view of Partridge as applied to claim 3 or 18 above, and further in view of Dellacona (US 6,799,224).

8. Regarding claims 8 and 25, Skirmont in view of Partridge does not disclose the channel links of the router operating according to a PCI bus standard. Dellacona discloses internal components of a device operating a PCI standard (fig. 1; col. 5, lines 59-60). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a PCI bus standard in the invention of Skirmont in view of Partridge in order to provide a standardized high speed component interconnection (Dellacona, col. 1, lines 23-26).

Claims 12 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skirmont in view of Partridge as applied to claim 3 or 28 above, and further in view of Williams et al. (US 5,018,132).

9. Regarding claims 12 and 29, Skirmont in view of Partridge does not disclose a message channel. Williams discloses a signaling channel for SONET (col. 1, line 61 through col. 2, line 5). Therefore, it would be obvious to one skilled in the art at the time the invention was made to have a signaling channel in the invention of Skirmont in view of Partridge in order to provide

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transmission of signaling information within a network (Williams, col. 2, lines 43-54; col. 1, lines 35-54).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

October 16, 2005